

# Studies on forest sustainable development and issues under the condition of WTO's principles in China

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**Abstract:** The World Trade Organization (WTO), an international organization to deal with the world free trade mechanism, allows for the optimal use of the world's resources in accordance with the objective of sustainable development and the protection of environment and trade. China, as a state member of WTO, is challenged by the WTO's agreements and the principles to guideline China sustainable forest development in the future. Forest resources in China will be protected as the basic sections of natural resources. The administrative function of Chinese government will be reformed by the condition of WTO's principles. So, the aim of China forest sustainable development is prior to deal with the relationship between the environment protection and development of economy. Under the condition of the WTO's principles and as a base on the international customary laws, the issues of China forest sustainable development focus on the China forest system reformation that applies for the China nature forest stratagem by the laws and protects the China environment for the sustainable development under the condition of science development, especially in the China forest protection and in dealing with the relationship among the environment and the economy development and others. Establishing the zoological forest industry is basic requirement by both the WTO's agreements and the WTO's principles, especially under the GATT 1947 Art XX, and other principles to protect the China forest sustainable development and to create the international environment for China forest.

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## Introduction

The World Trade Organization (WTO), an international organization to deal with the world free trade mechanism and to reduce the duty of the states member of the WTO, plays an important role in raising standards of living, ensuring full employment in a large and steadily growing volume of real income and effective demand, and expanding the production of and trade in goods and services, especially allowing for the optimal use of the world's resources in accordance with the objective of sustainable development and seeking the protection of environment and trade (Francis 2002).

On December 15, 2001, China signed a protocol as a state member of WTO, the biggest developing country to enter into the WTO. China is being challenged by the WTO's agreements and the protocol. On the condition of WTO, China, as an agriculture state, the forest industry and the styles of substantial development is the base of the development to enrich and to raise the full standard of life in nationwide of China to follow the international development

trend. The substantial development forest style is the important issues for China to develop under the condition of accession to the WTO.

In the paper, the insight of WTO and the environment and trade, the challenges for China forest, the issues to protect China forest sustainable development under the condition of the WTO, and counter-measures to take, eg, the first case of U.S. Gasoline, The paper is divided into three sections, firstly, the issues for China forest to access to the WTO, secondly, the substantial development, at last, the conclusion of the paper.

## Issues for China's accession to the WTO in aspect of forest

Although the WTO, as only international body dealing with the rules of trade between nations, the trade-related principles of the WTO reconcilable with the existence of the diverse health, environment and social policies of the Members of States affect the polices and the domestic industry of member state of WTO. From its history and the base of the free trade, the essence of WTO is to develop the free trade and share the nature resources (Brundtland 1992). The base of theory of WTO, called the Comparable Products Cost which is issued by the Darl. val, an England expert, is advantage for the developed countries, eg, to share the other states nature resources and reduce the duty for the developed countries to sale goods for the benefits (Goh and Withreule 2001). This is reason for China to negotiate with developed countries to determine the

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position of state member of the WTO to enter into. Of course, as a developing country to enter into WTO, China is keeping the balance of the rights and obligations to protect the sovereignty of state.

As an official document, the China protocol of accession to the WTO establishes the base and the frame structure between the WTO and China. In the document, the China forest and industry of forest will be challenged by the China's accession to the WTO.

The GATT/WTO trading system has contributed to economic growth and increased prosperity.<sup>1</sup> The growth of economy is faster than any other period of history. For example, merchandise exports have increased by 6% in real terms from 1948 to 1997 per year.<sup>2</sup>

When we look back the achievement of the WTO, two aspects achievements can't be stated in this paper. One of them is that since negotiations began in 1947, for industrialized countries, average tariffs have fallen to less than 4 percent and most non-tariff border restrictions have also been abandoned. All achievement is based on the principles of trade-related of WTO (Hernando 2000). The WTO's two basic ideas of free trade and stability and predictability are the corn sprints of WTO's principles (Islam1999).

Opening international trading system and sharing the market are helpful to keep international peace and stability and to establish the new economic order and this is the foundation of a new political and security framework (Goh and Withreule 2001). Stability and predictability in international trade relations through signing agreed system of rules and dispute settlement to bind on all member governments realize the WTO's aim and purpose<sup>3</sup>(Watt 2001; Brundtland 1992).

### Principles of WTO

The trade-relative principle of WTO<sup>4</sup>, such as Free Trade, is stated in Article XXIV of General Agreement on Tariffs and Trade 1994.<sup>5</sup> Although the legal official documents are very long and they deal with agriculture, banking, industrial standards, intellectual property, and much more, a number of simple, fundamental principles run throughout all of these documents (Choint 2000). They are as following:<sup>6</sup>

#### *The principle of the consolidation of protection into tariffs*

Lowering trade barriers is an important aim of WTO and to encourage trade.<sup>7</sup> But the barriers, concerned include

customs duties (or tariffs) and measures exist all the time (Tay and Esty 1996). During the several trade negotiations, the barriers reduced. For example, by the late 1980s industrial countries' tariff rates on industrial goods had fallen steadily to about 6.3%.<sup>8</sup> Opening market and sharing the natural resource are necessary. In WTO, duty, as an international trade measure to control the order of foreign trade, is considered to be less damaging than other forms of protection, duty and valuation is regulated by Article VII of GATT and the Agreement on Implementation of Article VII of GATT 1994 (Mala 2000).<sup>9</sup>

By the year of 2005, China's tariff rate will be reduced to be under the average level of developing nations. At the same time, the average tariff rate of industry products is to drop about 10%.<sup>10</sup> China is to fully implement the WTO Customs Price Evaluation Agreement. Presently, the preparation work of instituting the Agreement has been completed, and the practical operation means are under discussion.

It is well known that after the WTO entry, the China Customs will adjust the price evaluation system.<sup>11</sup> The Chinese government has vowed to cut the import tariff of the agricultural products to 15.6% by 2005 from 21.3% in 2000.<sup>12</sup> 'For industrial goods the average bound tariff level will go down to 8.9% with a range from 0 to 47%, with a range from 0 to 47, with the highest rates applied to automobiles and related products.

This is the result for China government to import the wood goods from the foreign market resources to protect China forest as an intentional industry (Li 2003). In the past, China forest woods and industry are operated by the way to consume in the China economy as an important resources. The China forest industry is not protected the environment well, such as, the resources are exhaustive in the past, the loss of land to result in the natural damaged. Such as, in

treatment no less favourable than that provided for in the appropriate Part of the appropriate Schedule annexed to this Agreement. 2. The products described in Part I of the Schedule shall be exempt from ordinary customs duties in excess of those set forth and provided therein. 3. The products described in Part II of the Schedule be exempt from ordinary customs duties in excess of those set forth and provided for in Part II of that Schedule. 4. nothing in this Article shall prevent any contracting party from imposing at any time on the importation of any product, eg any anti-dumping or countervailing duty applied consistently with the provisions of Article VI; 5. No contracting party shall alter its method of determining dutiable value. 6. a monopoly of the importation of any product described in the appropriate Schedule annexed to this Agreement shall not operate so as to afford protection on the average in excess of the amount of protection provided for in that Schedule except as provided for in that Schedule or as otherwise agreed between the parties which initially negotiated the concession. 7. if the disputes of concession of tariff rise, it shall bring the matter directly to the attention of the other contracting party. Otherwise the parties shall enter promptly into further negotiations with a view to a compensatory adjustment of the matter. 8. the specific duties and charges are expressed in the appropriate currency at the par value accepted or provisionally recognized by the Fund at the date of this Agreement.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> 'China to Reduce Tariff Rate' in *Asiainfo Daily China News*, Dallas, Nov 16, 2001, para. 5,6.

<sup>5</sup> Ibid.

<sup>11</sup> 'China Government Vows to Cut Import Tariff' in *Asiainfo Daily China News*, Dallas, Dec 31, 2001, para 3

<sup>1</sup> *The Multilateral System: 50 years of Achievement Introduction* (accessed in November 2001) <[http://www.wto.org/Geneva\\_Ministerial\\_1998\\_-\\_multilateral\\_system.htm](http://www.wto.org/Geneva_Ministerial_1998_-_multilateral_system.htm)>

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> About the WTO's rules, there are a lot of the states. For examples, in the *Principles of the trading system* (accessed in November 2001), <[http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/](http://www.wto.org/english/thewto_e/whatis_e/tif_e/)>, the principles are stated five principles. In the paper, the principles of the WTO are different. See Gavin Goh and Turdy Withreule, 'The WTO Dispute Settlement system' in the *University of Western Australia Law review*, Volume, 30(1), Sydney, 2001,3.

<sup>6</sup> Article II of the GATT 1947. The Article II of GATT 1994 states: 1. Each contracting party shall accord to the commerce of the other contracting parties

1990 Sichuan province and in 1999 Changjiang River, flood risk, is the result for the China forest not to protect well. (stated in section 3 in detail)

### *The principle of fair competition*

Dumping and subsidies are prohibited because they are unfair competition under the GATT 1994 art VI and XVI. Illegality of quantitative restrictions (QRs) and no-tariff barriers are permitted (Bronwlie 1998). The principle of non-tariff barriers permitted is a principle of WTO's trade free. The forms of non-tariff barriers consist of: licensing procedure, technical barriers to trade quantitative restrictions (Eyles & Donovan 1990). The WTO is described as a "free trade" institution that is not entirely accurate. In fact, it is a system of rules dedicated to open fair competition, and establishes the fair system to share the market (Watt 2001).

This principle stated in other WTO documents regulates to environment protection, for example, the agreement on government procurement.<sup>1</sup>

In the past, the forest is the state-owned industry in China and the China forest industry is an important section of society. At present, for China government to access to the WTO, the international investment for the foreigners to invest the forest industry under the principles of competition is regarded as the standard of investment environment to absorb the capital. Otherwise, it is heard by the WTO's DSU (WTO's agreement to hear the dispute among the states) Eg, in the south of China, the foreign capital and the fork capital are entered into the forest industry to protect the environment. Under the principles of competition, the issue of forest is very serious in the future, especially for the fork and the foreign capital is regarded as the same position. The other principles of the WTO, such as the National Treatment and Most-Favored-Nation, as the non-discrimination, is to regulate the China forest industry and to guideline the China forest substantial development. This principle is the base for China government to establish the China forest modern industry and to deal with the relationship between the trade and the environment.

### *Non-discrimination*

'A country should not discriminate between its partners, and it should not discriminate between its own and foreign products, services or nationals'. In this trade principle, there are two aspects: 1. Most-Favored-Nation (MFN): treating other people equally, it means that partners give someone a special favor (such as a lower and you have to do the same for all other WTO members) (Palemr & Short 1994). It is stated in the first article of the General Agreement on Tariffs and Trade (GATT) and other documents.

Some exceptions are allowed.<sup>2</sup> 2. National Treatment (NT): treating foreigners and locals giving others the same treatment as one's own nationals equally is found in all the three main WTO agreements (Article 3 of GATT, Article 17 of GATS and Article 3 of TRIPS).<sup>3</sup> As a basic rule of the WTO, to guideline in the future to establish the China forest, all parties to invest the forest is permitted to deal with the conflicts between the environment and the share the nature forest resources.

### *Principle of transparency*<sup>4</sup>

The WTO's member of states undertakes that only those laws, regulations and other measures pertaining to or affecting trade in goods, services, TRIPS or the control of foreign exchange that are published and readily available to other WTO Members, individuals and enterprises, shall be enforced.<sup>5</sup> The principle of transparency is necessary for the government to change the function of regulation in China forest administrative system. With the reformation, the China forest system is decided by the Market Economy style (Long 1999). The basic style is the China Forest Bureau as a leader to control the forest industry and to perform the government policy. With the government reformation deeply, the forest style is separated from the administrative function to manage the forest as a basic nature resource to be priority of protection of environment. The forest comprehensive function is to express by the China Laws and international customary laws to abide by the WTO's principles and decided by the China market force under the condition of public interests, eg, the protection of environment and as a basic section to develop society.

### *The principle of special privileges for the less developed countries*

It is recognized that the development is important for the world, specially the less development countries (Hernando 2000). They need time to adjust, greater flexibility, and special privileges. For example, special privileges of special assistance and trade concessions, technology assistance are needed for less developed countries (Donaldson & Donaldson 2000). It is stated in WTO agreement. In the section of the principle, China enjoys the safeguard measures to protect the forest environment and domestic industry. eg, the GATT XX, the environment protection is permission to apply for the state of WTO, as well as the TBT agreement (Petersmann 2000).

These principles, which established the base of WTO trading system formed the new international economic order, and changed the issues of the trading system of WTO, are available to guideline China sustainable forest development in the future (Peter 2000).

<sup>1</sup> Principles of the trading system (accessed in November 2001). <[http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e](http://www.wto.org/english/thewto_e/whatis_e/tif_e)>

<sup>2</sup> Ibid.

<sup>3</sup> Principles of the trading system (accessed in November 2001) <[http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e](http://www.wto.org/english/thewto_e/whatis_e/tif_e)>

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid. 40-42.

<sup>7</sup> Transparency- Report of the working party on the accession of China (WT/ACC/CHN/491 October 2001) Accessed in January 2002, <<http://www.moftec.gov.cn/moftec-cn/wto/>>

### **The China forest's advantages and disadvantages under the condition of WTO's principles**

For China's accession to the WTO, especially under the condition of WTO's principles, the disadvantages and advantages in the forest industry and the China sustainable development in the future are as follows:

One hand, as advantages for China forest, the China forest resources will be protected well as the basic sections. WTO's principles, as a base of the free trade, create the international environment for China forest and forest substantial development. With the reducing of duty for foreign goods of wooden, average duty is reducing from 17% to 13%, as a result for the foreign goods to protect the China domestic industry and goods without consumption the foreign currency to import the wooden goods. With the increasing of foreign goods to import into China goods, China forest will be protected well during the accession to the WTO. In another words, the importation of the forest goods to China is helpful to protect the China forest industry by using the foreign forest resources (Ma G 2000).

As a basic section of social economy in the country, China forest will be sustainable development in the international environment. The aspects for China forest industry will be advantages in accordance with in the international investment environment, especially under the principles of WTO, such as the principles of Non-Discrimination, NT and MFT, the principles of transparency of WTO, the foreign capital and fork capital are permitted in the China forest to protect the China domestic forest industry. The goods of forest and other sub-products of the woods will be flourished. As a member of WTO, the discrimination in the past for China is treated, such as anti-dumping measures for China to be treated in the unfair foreign trade environment. For China to access to the WTO as a member, under the DSU—which is an important agreement for the disputes to resolve in the WTO's legal system, China enjoys the rights to apply for the application to resolve the forest products if the disputes for the parties in foreign trade practice. In the history of the WTO, the basic measure for the WTO's parties to protect the environment under the TBT and the GATT 1947, especially the Art XX. In the sight of the WTO's agreement for China's accession to, bearing the obligation to open the domestic industry as the contract's responsibility and enjoying the rights to protect the China forest laws, is the measurement to keep the obligation and the right balances. Under the principles of Non-discrimination and the fair competition, the China foreign trade environment will be altered with the accession to the WTO.

Perhaps, the WTO's first case in the history, China government follows U.S. to protect the domestic interests as well as U.S. 301 term of foreign trade to protect the domestic market in foreign trade practice if the US inviolate the WTO's principles and punished by the counter measures, such as, the anti-dumping measures duty, for US to

protect the environment is the priority. The first case for China is advantage to protect the China forest environment. US Gasoline case, as the first case of the WTO from the establishment, duty of the WTO's DSU steps, Final Decision made by the Appeal Body of the WTO, which is advantage to the counter parties who are very poor in economy, expresses the value of WTO's free trade and the DSU (Ashton & Seymour 1988). Under the principles of the free trade and Nation Treatment, the fair environment for the trade, especially in the 21 the century, the WTO, as an important organization in the world to create free trade to share the nature resources to develop the substantial society, plays an important role in the international society and create the lesson to deal with the relation of the environment and trade and health and the condition. Another issue of value in the first case establishes the principles of fair to deal with the dispute under the condition WTO and the international globalization for the parties. Its value for China forest industry is to protect the China environment under the principles of WTO.

On the other hands, the administrative function of China government will be reformed by the condition of WTO and the China forest administrative system will determined by the market economy forces during the establishing the WTO's sharing China forest industry and the China forest domestic market. This is the first disadvantage for China forest accession to the WTO. The papers industry will be affected by China's accession to the WTO because the foreign wood trade import into the China domestic industry. On the base of this area, China will pay attention to forest products dumping into China that will injury the China domestic goods and to take the counter-measures to protect the China forest domestic industry.

### **China forest sustainable development issues under the condition of WTO's principles**

The sustainable development issues are the trends of international economy globalization, especially under the WTO's accession to for China at present. The international organization, such as Commission of Sustainable development, UNCSD, filed a lot of international treaty for the environment protection and forest industry, especially in the past, the damaged forest and the pollution of the environment to relate to public risk for forest. Under the condition of WTO's principles, China, as an international investment hot to establish the world works to share the China nature resources, China forest sustainable issues are necessary to study.

Under the condition of WTO's principles, how to protect the China forest and sustainable develop in the future? The issues are as follows:

1) As a basic nature resource to protect the China forest, to improve the discovering rate of forest in China is available. WTO's function and essence is to compare with the product feature and share the nature resources by the

reducing the duty for the free trade to establish the free trade mechanism. This is the first aim of the WTO. Under the condition of the China's accession to WTO, the basic aim for China forest industry as sustainable development to reform the style of China forest system and increase the forest covering rate. By the planning of project, the increasing forest covering rate is from 20.3% in 2010 to 28% in 2050 during the 40 years as well as the increasing area of forest is from 291.9 million hm<sup>2</sup> to 442.65 million hm<sup>2</sup> (See Table 1).

**Table 1. The increasing of China forest area by the planning (2003-2050)**

Year	Forest covering rate %	Forest area /million hm <sup>2</sup>	Increasing area /million hm <sup>2</sup>
2003	16.55	238	
2010	20.3	291.9	53.9
2020	23.4	336.5	44.6
2050	28	442.65	66.15

Note: The data was picked up from China Government report ([www.chinapaper.net](http://www.chinapaper.net)).

2) The aim of China forest sustainable development is prior to deal with the relationship between the environment protection and development. China, as a biggest developing country in the world to develop the economy in the world, forest is prior to protect the environment in the past and in the future. To development the society is the first for China and not follow the former road of the some states to pollute the environment and then to control the pollution. There are a lot of issues for Chinese government to learn from the formers, such as EC and others states, which polluted the environment and the damaged the life of peoples. In the past, China government's issues to deal with the relationship between the environment protection and the developing economy exist during the 1990s in some areas. The protection is the first aim for Chinese government to achieve the China forest.

### **The counter measures for China forest sustainable development under the WTO's principles**

To achieve the aim of China sustainable in the future by the laws and planning of the forest, firstly, China nature forest stratagem is dealt by the laws to protect the China environment for the sustainable development. For the aim of protection, the style of administrative function of China government is challenged by the WTO's principles, such as, the WTO's transparency principle, and the basic steps for China forest industry reformed recently. The forest industry changes the function from the cutting trees to planting trees. Only is changed by the government, the China forest's protection aim is to achieve. Secondly, CFRF (Cancelling-Furrow-Return-Forest) stratagem is available in the national wide of China, especially in the China

South-West and the Yellow-River area to protect the environment in the future to achieve the aim of protection of environment and the China forest sustainable development. During the reformation and the CFRF projects, the international investment and the fork investment are permitted by the China government by the Non-Discrimination, NT and MFT to invest the China forest industry. The advantages are as follows: on one hand, the principle of the WTO is adopted to the China commercial parties and owned to take the benefits from the China forest industry; on the other hand, opening the domestic industry for China to abide by the international customary laws to protect the China forest industry and reviewed by the international standard. Thirdly, the nature resources combination by the travel and development, in the 21<sup>st</sup> century, the international travel resources in China will focus on the forest and other combination, such as, the nature resources protection area and the wet area, as the international travel resources to support the China economy. Of course, the high technology in the China forest to protect environment and the other resources plays an important role. The issues to resolve in the China forest will base on the condition of science development, especially in the China forest protection and dealing with the relationship among the environment and the economy development and others. China forest provides products for the society as resources to protect environment as well as to be protected during the developing economy for China. Fourthly, achieving China forest zoological development to share the forest nature resources in the future to deal with the relationship among the issues of development economy and the protection environment, establishing the zoological forest industry is basic requirement by the WTO's agreements and the WTO's principles. Under the GATT 1947 Art XX, in the section of the exception of the condition to protect the environment, the states enjoy the rights to meet with the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade if it is necessary to protect human, animal or plant life or health. In the WTO's legal system, the protection terms for the state to protect the condition, it is permission. This is the reason for US government on the excuse to protect the domestic environment.

### **Conclusions**

For China's accession to the WTO, the China forest will be challenged by the WTO's agreements and the WTO's principles. The WTO's principles, as a base on the international customary laws and the value for China to accept the advance culture to develop the China forest, the issues of China forest sustainable development focus on the China forest reformation recently. WTO's essences are

the advantages for the developed country in some aspects, especially in the duty for developed country to import the goods to share the national resources from the developing countries. On the base of the WTO's essences, China forest industry is reformed to from the exhaustive natural resources styles to the sustainable development style. The aim is to deal with the relationship among the China economy and the forest protection under the condition of WTO's principles and to establish the free trade mechanism by the market forces (Cai 1999). So, China forest reformation is necessary in practice for China nature forest stratagem by the laws to protect the China environment for the sustainable development. Under the condition of scientific development, especially in the China forest protection and dealing with the relationship among the environment and the economy development and others. Establishing the zoological forest industry is basic requirement by the WTO's agreements and the WTO's principles, especially under the GATT 1947 Art XX, and other principles to protect the China forest sustainable development to create the international WTO's environment.

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